

REMARKS

In accordance with the foregoing, claims 1-2 and 8-9 are amended and new claims 16-20 are added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-3, 8-9, and 16-20 are pending and under consideration. Reconsideration is requested.

Claim Amendments

Claim 1 is amended to recite a multi-channel processing control device including "a process request determination unit . . . determining whether any of the plurality of process requests from the plurality of channels are real-time process requests needing processing in real-time, or non-real-time process requests not needing processing in real-time, the determining based on both a determined channel class of a plurality of channel classes that generates said process requests and based on services in a determined queue category of a plurality of queue categories." Claims 2 and 8-9 are similarly amended.

Support for the amendment is found for example, in Figs. 11-12 and page 13, line 16 - page 15, line 21 of the specification. No new matter is being presented, and approval and entry are respectfully requested.

Entry Of Response Under 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because it is believed that the amendment of claims puts this application into condition for allowance, the amendments of claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised and do not significantly alter the scope of the claims and place the application at least into a better form for appeal.

As set forth in MPEP §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Further, MPEP further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

Page 5: Objection to the Specification

On page 5 of the Office Action, the Examiner asserts:

[T]he specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. . . . Correction of the following is required: Claim 8 cites, 'computer readable storage medium' the disclosure as originally filed fail [sic] to provide proper antecedent basis for the above claimed "computer readable storage medium".

(Action at page 5, lines 2-6).

Applicants respectfully point out that the specification, for example, discloses:

[A] recording medium on which is recorded a program relating to the above multi-channel processing control. Such recording media may be computer-writable floppy disks, hard disks, semiconductor memory, CD-ROMs, DVDs, and magneto-optic disks.

(See, for example, page 5, lines 17-21).

Applicants submit that according to one of ordinary skill in the art, for example, floppy disks, hard disks, semiconductor memory, CD-ROMs, DVDs, and magneto-optic disks as disclosed by the specification are types of computer readable storage mediums.

Thus, Applicants submit that the specification does provide proper antecedent basis for the claimed subject matter, and withdrawal of the objection is requested.

Pages 5-6: Rejection of claim 1 under 35 U.S.C. §101

On pages 5-6 of the Office Action, the Examiner rejects claim 1 under 35 U.S.C. §101 asserting:

[T]he claimed invention is directed to non-statutory subject matter. Claim 1 currently cites "a multi-channel...device comprising a process request determination unit...a non-real time processing administering unit...a real-time processing allocation unit...a non-real-time processing allocation unit..." Is nonstatutory, since the claimed device is a system of software per se, failing to fall within a statutory category of invention. The steps of accepting...changing, administering, allocating... may be done by the software alone, even though the claim cited plurality of units, however, consider [sic] the specification as a whole suggest that these units is [sic] simply a software modules to perform plurality of steps (see MPEP 2106.01)

(Emphasis added, page 5, lines 12 - page 6, line 2).

Applicants submit that the Examiner's assertion is in error. Applicants submit that the claimed invention is directed to statutory subject matter, and the specification discloses, for example, block diagrams in which:

Fig. 1 shows a configuration outline of a call center employing one embodiment of the present invention. The call center shown here comprises a PBX (private branch exchange) 11 connected to a public network, a Web server 12 connected to the Internet, and an e-mail server 13. The PBX 11 is connected to a REP 14, which is an operator terminal operated by an operator, and a VRU (voice recognition unit) 15. The Web server 12 is connected to a Web agent system 16, and the e-mail server 13 is connected to an e-mail agent system 17. The REP 14 and VRU 15 are devices for providing a primary portal for incoming calls from the public network to the PBX 11. The Web agent system 16 is a device for providing a primary portal when there have been requests from the Internet to the Web server 12, and the e-mail agent system 17 is a device for providing a primary portal when there have been requests from the Internet to the e-mail server 13. The REP 14, the VRU 15, the Web agent system 16, and the e-mail agent system 17 are each connected to an MCICD (multi-channel intelligent call distributor) 18. The MCICD 18 manages all process requests generated in each channel, and

forwards the process requests to the most suited processing terminal.

(Emphasis added, see, for example, Fig. 1 and page 7, line 17 - page 8, line 16).

The specification, further discloses, for example, that:

The MCICD 18 comprises a BC controller client 21 disposed on the end with the channels--the REP system 14, VRU 15, Web agent system 16 and e-mail agent system 17--and a BC controller server 31 that exercises general control over the clients.

(See, for example, Fig. 2 and page 9., lines 5-10 and 7, line 17 - page 8, line 16).

The specification, further discloses, for example, that:

As an illustration of how the system actually operates, an explanation will be given of an example of the actions at a call center performing response by phone and e-mail, using the structural diagram Fig. 18. In the configuration herein, a PBX 51 connected to a public network and an e-mail server 52 are provided, the PBX 51 being connected to the three REPs 53, 54 and 55 and to one VRU 56, and the e-mail server 52 being connected to one e-mail agent 57. The REPs 53, 54 and 55, the VRU 56 and the e-mail agent 57 are connected to the MCICD 58, and queues based on received signals and promotions are controlled by the MCICD 58 and allocated to the various channels.

(See, for example, Fig. 18, and page 32, lines 13 -24).

That is, Applicants submit that the specification, as a whole, discloses that an embodiment as recited by claim 1 of "a process request determination unit accepting a plurality of process requests from a plurality of channels as communication between a user and call center, and determining whether any of the plurality of process requests from the plurality of channels . . . ; a non-real-time processing administrating unit . . . ; a real-time processing allocation unit allocating process requests determined to be real-time process requests to processing terminals that are currently available among a plurality of processing terminals connected to a plurality of channels capable of a real-time process; and a non-real-time processing allocation unit allocating non-real-time processes administrated by said non-real-time processing administrating unit to any of the processing terminals," are not simply "software modules" as the Examiner suggests.

Further, Applicants respectfully submit that the Examiner's statement that the "specification as a whole suggest that these units is [sic] simply a software modules" is not supported. Thus, Applicants submit that the current Final Office Action is incomplete and request that if the case is not put in a condition for allowance that a new Office Action be mailed including complete support for the Examiner's assertions and with the due date accordingly reset.

Summary

Since claim 1 complies with 35 U.S.C. §101, the rejection should be withdrawn.

Pages 6-9: Rejection of claims 1-3 and 8-9 under 35 U.S.C. §102(e) as being anticipated by Dilip et al. (U.S.P. 6,704,409)

On pages 6-9 of the current Office Action, the Examiner rejects claims 1-3 and 8-9 under 35 U.S.C. §102(e) as being anticipated by Dilip et al. (U.S.P. 6,704,409). The Examiner's support is the same as in the previous Office Action mailed September 21, 2007 ("previous Office Action) with additional assertions in the section entitled "Response to Arguments." The rejection is traversed.

As set forth in MPEP 2131, to establish anticipation under §102, the reference relied on in support of the rejection must teach each and every element of the claim and the identical invention must be shown in as complete detail as in the claim.

Applicants submit that Dilip does not teach each and every element of the claim and the identical invention must be shown, as recited by claim 1, for example. Independent claim 1 recites a multi-channel processing control device including:

a) a process request determination unit accepting a plurality of process requests from a plurality of channels as communication between a user and call center, and determining whether any of the plurality of process requests from the plurality of channels are real-time process requests needing processing in real-time, or non-real-time process requests not needing processing in real-time, the determining based on both a determined channel class of a plurality of channel classes that generates said process requests and based on services in a determined queue category of a plurality of queue categories (emphasis added);"

b) "a non-real-time processing administrating unit changing processing requests among processing requests determined to be the non-real-time processing requests to the real-time processing requests when data relating to clients as processing objects is predetermined client data, and for administrating other non-real-time processing requests with priority levels therefore;"

c) "a real-time processing allocation unit allocating process requests determined to be real-time process requests to processing terminals that are currently available among a plurality of processing terminals connected to a plurality of channels capable of a real-time process;" and

d) "a non-real-time processing allocation unit allocating non-real-time processes administrated by said non-real-time processing administrating unit to any of the processing terminals, said allocation performed with consideration given to the priority level and to suitability of the terminal for handling the process." Independent claims 2 and 8-9 have similar recitations.

Applicants submit that Dilip does not teach each and every element of a multi-channel processing control device including determining based on both a determined channel class of a

plurality of channel classes that generates said process requests and based on services in a determined queue category of a plurality of queue categories, for example, as recited by claim 1.

By contrast, Dilip merely discloses:

The priority of a particular transaction may be determined by various parameters and other configuration information set by the user or administrator of the system. For example, a particular agent or group of agents may be designated as high priority . . . Alternatively, a particular type of transaction may be designated as high priority.

(Emphasis added, see, for example, col. 11, lines 33-42):

That is, by contrast, Dilip *arguendo* merely teaches designating a priority based on a type of message or a type of agent.

In support of the rejection, in the section of the Office Action entitled Response to Arguments, the Examiner asserts:

In response to applicant's argument that the prior art does not teach, "classification of a channel...services in a queue category", examiner respectfully disagrees. Examiner's claims' interpretation is under guideline, provided in the MPEP, "During patent examination, the pending claims must be "given *>their broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d1664, 1667 (Fed. Cir. 2000). . . ."The words of a claim must be given their "plain meaning" unless they are defined in the specification.. . . Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say." (Emphasis added). "It is only when the specification provides definitions for terms appearing in the claims that the specification can be used in interpreting claim language. In re Vogel, . . . The "classification of channel" since not being specifically defined in the specification, Applicant has pointed out the specification section (page 13 line 24 to page 14 line 14) that applicant said is the definition of the "classification of channel". However, examiner respectfully disagrees with the applicant, the pointed out section of the specification is merely the example of the "classification of channel", not the definition. Therefore, the examiner given the broadest, reasonable interpretation "the classification of channel" as "the type of transaction that the request belong", for example email, telephone, fax, web services etc... can be the different types (i.e. classification) of transaction (i.e. channel).

(Emphasis added, Action at pages 2-3).

Applicants submit that the Examiner's asserted "broadest, reasonable interpretation" is not consistent with the specification.

As pointed out in previous Amendment filed on January 22, 2008 ("previous Amendment"), the specification discloses:

Channel classes include, for example as set forth by numerical value in the channel identification list of Fig. 11: REPs, which are operator terminals; Web agents; e-mail agents; CRM (Customer Relationship Management) agents; supervisors, who manage the operators; and segment analysis, which extracts

customers targeted for outbound tasks. When the number of channel classes needs to be expanded, this channel identification list may be modified as needed.

(Emphasis added, See, for example, page 13, lines 10-22).

Applicants submit that given such context, the Examiners' interpretation a channel class as "the type of transaction that the request belong", for example email, telephone, fax, web services etc... can be the different types (i.e. classification) of transaction (i.e. channel)" is not reasonable.

Using the Examiner's own citations as set forth in *In re Hyatt*: "During patent examination, the pending claims must be "given *>their broadest reasonable interpretation consistent with the specification (emphasis added)," and as set forth in *In re Vogel* "The words of a claim must be given their "plain meaning" . . . , absent any indication that their use in a particular context(emphasis added)." Applicants submit that the Examiner's interpretation is not reasonable in view of the context of the specification and the examples disclosed therein.

Arguendo using the Examiner's proposed interpretation of "the classification of channel" as "the type of transaction that the request belong [sic]" then "channel classes" disclosed by the specification should be included in such a classification. But, for example:

a) "REPs, which are operator terminals" disclosed by the specification are not a "type of transaction that the request belong [sic]."

b) "Web agents; e-mail agents; CRM (Customer Relationship Management) agents;" disclosed by the specification are not "type of transaction that the request belong [sic]."

c) "supervisors, who manage the operators" are not "the type of transaction that the request belong [sic]",

Applicants further submit that if the Examiner is, in fact, asserting that "channel classes" are included in the Examiner's proposed interpretation, then Applicants submit that there is no evidence supporting the Examiner's assertion. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge"). Applicants request the required support for such an assertion.

Further, if the Examiner also bases the rejection, at least in part, on personal knowledge. the Examiner is required under 37 CFR. §1.104(d)(2) to support such an assertion with an affidavit when called for by the Applicants. Thus, Applicants call upon the Examiner to support such assertions with an affidavit if based on personal knowledge.

Applicants also submit that Dilip does not disclose any "determining ...based on services in a determined queue category of a plurality of queue categories" as recited by claim 1 for example. By contrast, Dilip merely discloses:

The highest priority transaction is typically a telephone call because telephone calls are real-time transactions requiring faster responses than e-mail messages. However, if an e-mail is approaching its QOS limit, the e-mail may have a higher priority than all other queued transactions (including telephone calls). . . agents are capable of handling either telephone calls or e-mails. Therefore, an available agent handles the transaction with the next highest priority, regardless of the transaction type. A particular agent may regularly switch between telephone calls and e-mails depending on the distribution of transactions in the queue. After completing step 188, the procedure returns to step 170 to determine whether a new transaction has been received.

(see, for example, col. 14, lines 36-46).

That is, Dilip merely teaches that typically a type of transaction, i.e., telephone determines priority and that a transaction may have some other property, i.e., "e-mail approaching its QOS limit" that determines distribution in a queue. That is, Dilip does not teach a determined based on services in a determined queue category of a plurality of queue categories, as recited by claim 1, for example.

In the Response to Arguments, the Examiner asserts:

[A]pplicant has pointed out the specification section (page 13 lines 10-24) as the definition "services in a queue category", however . . . merely the example of the queue category not the definition. Since not being defined in the specification, examiner given the claimed limitation the broadest, reasonable interpretation as "the inbound request category or the outbound request category" or the QoS that the transaction are being assigned or it can be anything since the applicant has not define what it is, it is opened for interpretation. Dillip discloses a service processing system having multiple agents to process different types of transactions such as email, telephone, fax etc... wherein the transaction can be the inbound requests or outbound requests, the priority is given base on the transaction that the request belong such as telephone request is given a higher priority, and the email request is given a lower priority (see Dillips col. 3, lines 48-67). Dillip further discloses that the priority is assigned based on the QoS requested by a transaction initiator (see Dillip col. 14, lines 2-7).

(Emphasis added).

Applicants submit that the Examiner's statement that the claimed limitation "can be anything" is in error. As the specification further discloses:

Queue categories include, for example as shown in the queue category list of Fig. 12 according to numerical value: Effective Callbacks, which are callbacks to customers that are to be made based on the results of an earlier telephone conversation with the client; No Answer Callbacks, which are callbacks to customers who were not in or whose lines were busy; Follow-Up Calls, which follow up on previous calls; Campaigns, which are outbound tasks performed by telephone; Web Forwarding, which are requests for callbacks to the Web server; e-mail Forwarding, which are responses to e-mail; e-mail Transmission (Individual), which is transmission of individual items of e-mail; e-mail Transmission (DM), which is for direct mailings, and Telephone Call Forwarding, which forwards calls to the most appropriate operator.

(Emphasis added, See, for example, page 13, line 23 - page 14, line 14).

Further, even assuming *arguendo* that a queue category can be "anything," claim 1 recites a "determining ...based on services in a determined queue category of a plurality of queue categories."

While Dillip *arguendo* teaches that a priority may be given based on QoS requested, Applicant submits that this does not teach such a request does not teach a "determining . . . based on services, as recited in claim 1.

Summary

Since Dilip does not teach each and every element of each of the independent claims 1-2 and 8-9 (and dependent claim 3), the rejection should be withdrawn and claims 1-3 and 8-9 allowed.

New Claims

New claims 16 -20 recite features of an exemplary embodiment of the present invention in a different fashion.

Dependent claim 16 recites a multi-channel processing control device according to claim 1, "the plurality of channel classes including an operator terminal channel class, a Web agent channel, an e-mail agent channel class, a Customer Relationship Management (CRM) agent channel class, a supervisor channel class, and a segment analysis channel class, and the plurality of queue categories including an effective callback queue category, a no answer callback queue category, a follow-up call queue category, a campaign queue category, a web forwarding, an e-mail forwarding queue category, and an e-mail transmission queue category," New dependent claims 17-19 have similar recitations.

Support for the amendment is found for example, in Figs. 11-12 and page 13, line 16 - page 14, line 14 of the specification.

New claim 20 recites a multi-channel processing control method comprising: accepting a process request that includes a channel class of a user of a call center and a queue category; determining services associated with the queue category of the accepted process request; determining a priority of the process request in comparison to other process requests based on the channel class of the user and the determined services; and outputting the process request to a selected terminal based on the determined priority.

Support for the amendment is found for example, in Figs. 11-12 and page 13, line 16 - page 15, line 21 of the specification. No new matter is being presented, and approval and entry are respectfully requested.

These features of claims 16- 20 patentably distinguish over the cited art, and they are submitted to be allowable for the recitations therein.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: September 18, 2008

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